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Shri Gurnam Singh

s/o Late Shri Atma Singh,

 r/o H.No.12, New Green Park Colony,

Jhill Road, Patiala. ----------Complainant

 **Vs.**

Public Information Officer

o/o Director General of Police, Punjab,

Sector 9, Chandigarh.

First Appellate Authority,

O/o Director General of Police, Punjab,

Sector 9, Chandigarh. -------Respondents

**Complaint Case No. 37 of 2018**

Present: None for the complainant.

Smt. Lakhwinder Kaur , Superintendent-cum-APIO and Shri Parshotam Kumar, Head Constable, on behalf of the respondents.

**ORDER**

 The case was last heard on 27.06.2018, when the representatives of the respondents submitted a copy of Memo. No. 1617/RTI-2, dated 13.04.2018 from Superintendent-cum-APIO, office of AIGP/Pers.-2, Punjab, Chandigarh-cum-PIO, Admn. Wing vide which detailed reply had been furnished, with a copy to the complainant. Accordingly, the complainant was directed to send his observations, if any, on the reply sent by the APIO.

2. Today, the representatives of the respondents inform that no observations have been received from the complainant on the reply sent to him.

3. The complainant is not present without any intimation nor any observations have been received from him on the reply sent to him by the PIO, which shows that he is satisfied with the reply.

4. Accordingly, the case is **disposed of and closed.**

 **Sd/-**

**Dated : 13.09.2018 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**

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Shri Rohit Sabharwal,

Kundan Bhawan, 126,

Model Gram, Ludhiana. --------Appellant

 **Vs.**

Public Information Officer

O/o Additional Deputy Commissioner (Development),

Ludhiana.

First Appellate Authority,

O/o Deputy Commissioner, Ludhiana.

Public Information Officer

O/o Block Development and Panchayat Officer,

Ludhiana – 1. -------Respondents

**Appeal Case No. 2693 of 2017**

Present:- None on behalf of the appellant.

Shri Jarnail Singh, Gram Rozgar Sewak, on behalf of the respondents.

**ORDER**

 The case was last heard on 27.06.2018, when none was present on behalf of the appellant as well as the respondents. However, a letter dated 25.06.2018 was received from Ms. Sukhjinder Kaur, Advocate, authorized representative of the appellant informing that the information had been provided vide letter dated 20.02.2018 and a delay of 8 months had been caused. She requested to issue show-cause notice to the PIO under Section 20(1) of the RTI Act, 2005 for malafidely withholding the information for 8 months. Accordingly, BDPO, Ludhiana-1 was directed to submit written reply on the next date of hearing explaining reasons in detail for the delay in the

Contd…….p/2

**AC - 2693 of 2017 -2-**

supply of information, failing which punitive action under the provisions of RTI Act, 2005 will be initiated against her. The case was adjourned to 08.08.2018, which was further postponed for today due to certain administrative reasons.

2. Today, the appellant is not present. However, a letter dated 07.09.2018 has been received from Ms. Sukhjinder Kaur, Advocate, an authorized representative of the appellant informing that the appellant has been provided vide letter dated 20.02.2018. She has requested to issue show-cause notice to the concerned PIO for the delay in the supply of information.

3. The representative of the respondents submits a letter No. 3509, dated 07.08.2018 from BDPO, Ludhiana-1 vide which she has explained in detail the position of the case stating that the information has been supplied to the appellant vide letter No. 4658, dated 10.11.2017. The plea put forth by the BDPO is accepted as no malafide for the delay in the supply of information is proved.

4. Since the requisite information stands provided, the case is **disposed of and closed.**

 **Sd/-**

**Dated : 13.09.2018 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**

**PUNJAB STATE INFORMATION COMMISSION**

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Shri Vicky Bajaj s/o Shri K.L. Bajaj,

r/o 51, Vikas Vihar, Phase-1, Ferozepur. --------Appellant

 **Vs.**

Public Information Officer

o/o Deputy Commissioner, Ludhiana.

First Appellate Authority,

O/o Deputy Commissioner, Ludhiana. -------Respondents

**Appeal Case No. 2667 of 2017**

Present: Shri Vicky Bajaj, Appellant, in person.

Shri Amarinder Singh Malhi, Assistant Commissioner(General) Ludhiana, on behalf of the respondents.

**ORDER**

 In this case, during hearing on 13.03.2018, the representative of the respondents handed over information to the appellant with a copy to the Commission, which was taken on record. Accordingly, the appellant was directed to send his observations, if any, on the provided information to the PIO, with a copy to the Commission. The case was adjourned to 16.04.2018, which was further postponed to 23.05.2018 and then to 27.06.2018, due to certain administrative reasons.

2. On 27.06.2018, none was present on behalf of the respondents, without any intimation. The appellant was asked as to whether he had furnished his observations on the provided information to the PIO. The appellant replied in the negative. Accordingly, one more opportunity was afforded to the appellant to send his

Contd…….p/2

**AC - 2667 of 2017 -2-**

observations, if any, on the provided information to the PIO, failing which case would be decided on merit on the basis of documents placed on record. The case was adjourned to 08.08.2018, which was further postponed for today due to certain administrative reasons.

3. Today, Shri Amarinder Singh Malhi, Assistant Commissioner(General) Ludhiana, appearing on behalf of the respondents, informs that the requisite information has already been provided to the appellant and no observations have been received from him.

4. Accordingly, the case is **disposed of and closed.** However, the appellant may approach the PIO in case of any deficiency in the provided information.

 **Sd/-**

**Dated : 13.09.2018 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**

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Shri Naresh Devgan Sharma,

Advocate, Chamber No.7022/2,

District Court Complex, Ludhiana. --------Appellant

  **Vs.**

Public Information Officer

o/o Chief Judicial Magistrate, Ludhiana.

First Appellate Authority,

O/o Chief Judicial Magistrate, Ludhiana. -------Respondents

**Appeal Case No. 2155 of 2017**

Present:- Shri Naresh Devgan Sharma, appellant, in person. None on behalf of the respondents.

**ORDER**

 Since the instant appeal has dragged on for some time, it would be prudent to recapitulate the facts of the case in brief before pronouncing the decision. In this case, the appellant vide an RTI application dated 17.07.2017, addressed the PIO of the office of Chief Judicial Magistrate, Ludhiana sought following information under Section 7 of the RTI Act, 2005:-

“ Shri Sanjay Kumar, Reader-cum-PIO(posted in the Court of Shri Jaibir Singh, Ld. J.M.I.C., Ludhiana has record his statement dated 20.04.2017 and other statement on SA, in the Court of Shri Sudhir Kumar, Ld.; J.M.I.C., Ludhiana, ion case No. Crm 273 of 2015 and he; has also exhibited various documents by his own hands ion his statement but thereafter Sanjay Kumar has been won by accused persons of FIR No. 83, dated 28.03.2017, U/s 466, 467, 468, 469, 471, 472, 420, 120-B, IPC,

Contd…….p/2

**AC - 2155 of 2017 -2-**

Police Station, Daba Ludhiana and; under the influence of accused persons and erring police officials, he has recorded his false statement dated 29.06.2017 before some police officials with ulterior motive to protect the accused persons of above noted FIR, now the undersigned applicant seeks the following information:-

1. Please supply copies of all statements recorded by Sanjay Kumar in the Court of Shri Sudhir Kumar, Ld. J.M.I.C. Ludhiana in case No. Crm. 273 of 2015 along with copy of false statement dated 29.06.2017 record by Sanjay Kumar before policemen.
2. Please supply the names of Police Officials before whom, Sanjay Kumar has record his false statement dated 29.06.2017 and name of the place where Sanjay Kumar recorded his statement.
3. Please supply the details of entire conspiracies between erring police officials and accused persons of FIR No. 83, dated 28.l03.2017 U/s 466, 467, 468, 469, 471, 472, 420, 120-B IPC, Police Station, Daba, Ludhiana with ulterior motive to rope the undersigned applicant in false cases on the basis of false statement dated 29.06.2017 recorded by Sanjay Kumar against the Undersigned Applicant.
4. Please supply the detail with reasons and circumstances in which Sanjay Kumar has record false statement dated 29.06.2017 before police officials.
5. Sanjay Kumar has stated on 20.04.2017 in the Court of Shri Sudhir Kumar, Ld. J.M.I.C. Ludhiana in Crm. No. 273 of 2015 that he shall produce the copies of petition

 Contd…….p/3

**AC - 2155 of 2017 -3-**

and Orders pertaining to cases No. CRM-M No. 203 of 2013 and CRM-M No. 12888 of 2016 now. Please supply the copies of petitions and orders pertaining to the above said cases.”

On receiving no information, he filed First Appeal with the First Appellate Authority vide application dated 20.07.2017 and subsequently approached the Commission in Second Appeal vide application dated 07.08.2017. The case was fixed for hearing on 24.08.2017.

2. This case has earlier been heard on 24.08.2017, 07.11.2017, 27.12.2017, 08.02.2018, 21.03.2018 and 27.06.2018.

3. On 24.08.2017, Shri Sanjay Kumar, Reader/PIO, Judicial Magistrate First Class, Ludhiana(Shri Jai Bir Singh) was impleaded as a necessary party and he was directed to furnish reply/information on all points mentioned ion the RTI application within 10 days. The present PIO/CJM’s Court was directed to supply a copy of the letter vide which the RTI application of the appellant was transferred to Shri Sanjay Kumar, Reader/Judicial Magistrate First Class, Ludhiana to the appellant for his information and necessary action. Both First Appellate Authority – Shri Jaap Inder Singh, Chief Judicial Magistrate, Ludhiana and respondent-PIO of his court were exempted from appearance on the next date of hearing.

4. On 07.11.2017, the appellant was not present. Shri Sanjay Kumar, Reader-cum-PIO, Court of ACJSD, Payal, Ludhiana (Shri Jai Bir Singh) was also not

 Contd…….p/4

**AC - 2155 of 2017 -4-**

present. However, he requested vide letter dated 07.11.2017 received through e-mail, to exempt him from personal appearance as he had to appear in the court of Shri R.K. Beri, Ld. Addl. Sessions Judge-cum-Inquiry Officer, Ludhiana. Accordingly, he was directed to supply the requisite information to the appellant before the next date of hearing.

5. On 27.12.2017, the appellant was not present. Shri Sanjay Kumar, Reader-cum-PIO was also not present without any intimation. Viewing his callous attitude seriously, he was directed to supply the requisite information to the appellant before the next date of hearing. He was also directed to explain reasons, in person, on the next date of hearing as to why a Show-Cause Notice should not be issued to him for imposing penalty upon him and awarding suitable compensation to the appellant.

6. On 08.02.2018, the appellant was present. Shri Sanjay Kumar, Reader-cum-PIO was not present without any intimation. Viewing the callous and defying attitude of the respondent PIO seriously, a Show-Cause Notice was issued to Shri Sanjay Kumar, Reader-cum-PIO for imposition of penalty. Besides, a compensation of Rs. 2000/- was awarded to the appellant to be paid by the Public Authority through a Bank Draft. The PIO was directed to supply complete information to the appellant before the next date of hearing.

7. On 21.03.2018, the appellant was present. Shri Sanjay Kumar, Examiner(the then PIO) was not present. However, a letter dated 21.03.2018 was

 Contd…….p/5

**AC - 2155 of 2017 -5-**

received from him informing that he was unable to attend hearing due to ill health.

Accordingly, Shri Sanjay Kumar, Examiner, the then PIO was directed to submit reply to the Show-Cause Notice issued to him and pay compensation amount of Rs. 2000/- to the appellant.

8. On 27.06.2018, the appellant was not present. None was present on behalf of the respondent PIO without any intimation. Viewing the callous and lackadaisical attitude of Shri Sanjay Kumar, Examiner, the then PIO, seriously, one last opportunity was afforded to him to submit reply to the Show-Cause Notice and pay compensation amount to the appellant, before the next date of hearing, failing which necessary action for imposition of penalty would be taken ex-parte. The case was adjourned to 08.08.2018, which was further postponed for today due to certain administrative reasons.

9. Today, the appellant is present but none is present on behalf of the respondent PIO. The appellant informs that compensation amount of Rs. 2000/- has been paid to him.

10. The facts narrated above and a perusal of the case file clearly reveal that the information was sought by the appellant vide his RTI application dated 17.07.2017 and complete information has not been supplied to the appellant till date. A Show-Cause Notice was issued to Shri Sanjay Kumar, Reader-cum-PIO for the imposition of penalty upon him on 08.02.2018 and reply to the Show-Cause Notice has not been submitted by him till date. More-over, he chose not to attend any of the hearings in the

 Contd…….p/6

**AC - 2155 of 2017 -6-**

Commission held in this case and openly defied the orders of the Commission issued on umpteen occasions. He also chose not to avail of an opportunity of personal hearing afforded to him a number of times. Thus the Commission draws the inference that Shri Sanjay Kumar, PIO, without any reasonable cause, has malafidely not supplied complete information to the appellant and also not submitted reply to the Show-Cause Notice issued to him till date and thus has rendered himself liable for punishment as provided under the RTI Act, 2005. Though he was given umpteen opportunities to explain his conduct in connection with the Show-Cause Notice issued to him under Section 20(1) of the Act ibid, he failed to come out with any reply. In these circumstances, Shri Sanjay Kumar is held guilty of default on the above score. The facts of this case also prove beyond any doubt that the respondent PIO concerned does not deserve any kind of leniency. Hence, in exercise of the powers conferred by Section 20(1) of the RTI Act, 2005, a penalty to the tune of Rs. 25,000/- (Rupees Twenty Five Thousand only) is imposed upon Shri Sanjay Kumar, Reader-cum-PIO and Examiner(Copy Agency), Court of Judicial Magistrate First Class, Judicial Courts, Payal, Ludhiana to be deducted from his salary for the months of October, 2018 and November, 2018 at the rate of Rs. 12,500/- each and is to be deposited in the State Treasury under the following head:-

 - 0070-Other Administrative Services

 - 60 Other Services

 - 800 Other Receipts

 - 86 Fee under RTI Act, 2005

 Contd…….p/7

**AC - 2155 of 2017 -7-**

An attested copy of the receipt Challan is also directed to be presented to the Commission on the next date of hearing.

11. A copy each of the order is forwarded to District and Sessions Judge, Ludhiana and Shri S. K. Goyal, Chief Judicial Magistrate, District Courts, Ludhiana to ensure the compliance of the orders.

12. To come up on **17.12.2018 at 11.30 A.M. for confirmation of compliance of orders.**

 **Sd/-**

**Dated : 13.09.2018 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**

**CC: District and Sessions Judge, REGISTERED**

 **District Courts, Ludhiana.**

 **Shri S.K. Goyal, REGISTERED**

 **Chief Judicial Magistrate,**

 **District Courts, Ludhiana.**

 **Shri Sanjay Kumar, Reader-cum-PIO, REGISTERED**

 **and Examiner(Copy Agency),**

 **Court of Judicial Magistrate First Class,**

 **Judicial Courts, Payal, Ludhiana.**

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Shri Gurdip Singh s/o Shri Chanan Singh

r/o #215, Ajit Nagar, Sultan Wind Road,

Sri Amritsar Sahib. --------Appellant

 **Vs.**

Public Information Officer

o/o Town Planner, Municipal Corporation,

Sri Amritsar Sahib.

First Appellate Authority,

O/o Commissioner, Municipal Corporation,

Sri Amritsar Sahib. -------Respondents

**Appeal Case No. 1211 of 2017**

Present:- Shri Gurdip Singh, Complainant, in person.

 Shri Jagdev Singh, ATP-cum-PIO, on behalf of the respondents.

**ORDER**

 The case was last heard on 27.06.2018, when the representative of the respondents handed over a Bank Draft for Rs. 5,000/- as compensation amount to the appellant. The respondent submitted a letter No. MTP/RTI/148, dated 26.06.2018 vide which status report had been furnished. Accordingly, it was directed that a copy of this letter be furnished to the appellant and the appellant was directed to send his observations, if any, to the PIO, with a copy to the Commission. The case was adjourned to 08.08.2018, which was further postponed for today due to certain administrative reasons.

2. Today, the appellant informs that he has furnished deficiencies in the

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**AC - 1211 of 2017 -2-**

provided information to the PIO. He further informs that information with regard to Plan of the said building has not been supplied as yet. He alleges that the said building has been constructed in violation of the Building Bye Laws and its Plan has not been approved. The PIO informs that record of the Building Plans are maintained date-wise but not building-wise and in the absence of particular date, the requisite information cannot be supplied. Consequently, after hearing both the parties and discussing the matter at length, it is directed that the said building be inspected and a report be submitted on the next date of hearing as to whether there is any violation of Building Bye Laws or not.

3. To come up on **17.10.2018 at 11.30 A.M. for further proceedings.**

 **Sd/-**

**Dated : 13.09.2018 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**

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Shri Kartar Singh,

 #555, Agarsen Colony,

Sirsa, Haryana. --------Complainant

**Vs**

Public Information Officer-cum-

Commissioner of Police,

Amritsar. -------Respondent

 **Complaint Case No. 410 of 2018**

Present: Shri Kartar Singh, Complainant, in person.

Shri Hira Singh, ASI and Shri Kulwant Raj, H.C., on behalf of the respondent.

**ORDER**

 The case was last heard on 27.06.2018, when the representative of the respondent submits a letter No. 2222/CPC, dated 03.05.2018 from DCP-cum-PIO, Amritsar City vide which it was informed that the information had been sent to the complainant vide letter No. 1812-CPC, dated 06.04.2018. The complainant informed that provided information was incomplete. Accordingly, the complainant was directed to send his observations, if any, on the provided information to the PIO, with a copy to the Commission. The case was adjourned to 08.08.2018, which was further postponed for today, due to certain administrative reasons.

2. Today, the representatives of the respondents submit a letter No. 4510/CPC, dated 06.09.2018 from DSP-cum-PIO, Amritsar City vide which it has been informed that the matter is under investigation. It has been further informed that the

Contd……..p/2

**CC - 410 of 2018 -2-**

admissible information has been supplied to the complainant vide letter No. 2224-C.P.C.,dated 03.05.2018 and the remaining information has not been supplied under Section 8(1)(h) of the RTI Act as it can affect the investigation. Accordingly, it is directed that a point-wise reply be filed on the next date of hearing clarifying with reasons as to which information cannot be supplied.

3. To come up on **16.10.2018 at 11.30 A.M. for further proceedings.**

  **Sd/-**

**Dates: 13.09.2018 (S.S. Channy)**

 **State Information Commissioner**

 **Punjab**

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Shri G.S. Dhaliwal, Advocate,

#2379, Sector 23-C,

Chandigarh. -------------Appellant

**Vs**

Public Information Officer

o/o Deputy Commissioner, Ludhiana.

First Appellate Authority

o/o Deputy Commissioner,

Ludhiana.

Public Information Officer,

O/o Tehsildar(West),

Mini Secretariat, Ludhiana. --------Respondents

 **Appeal Case No. 1221 of 2018**

Present: None on behalf of the appellant as well as the respondents.

**ORDER**

 In this case, Shri G. S. Dhaliwal, Appellant, vide his RTI application dated 25.10.2017, addressed to the PIO, sought certain information regarding his land comprised in Khasra No. 828/1, 828/2, 828/3, 828/4, 828/5, 828/6 of Village Barewal Awana, Hadbast No. 157, Tehsil and District: Ludhiana.

2. The case was last heard on 27.06.2018, when the appellant was not present. None was present on behalf of the respondent PIO-cum-Tehsildar(West) Ludhiana despite the directions issued to him by DRO-cum-PIO, office of Deputy Commissioner, Ludhiana vide letter No. 1607-08/PIO/RTI, dated 28.05.2018. Viewing the disobeying attitude of the respondent PIO seriously, he was directed to supply the information to the appellant before the next date of hearing, failing which punitive action,

Contd….p/2

**AC - 1221 of 2018 -2-**

under the provisions of RTI Act, 2005 would be initiated against him. The case was adjourned to 08.08.2018, which was further postponed for today.

3. Today, the appellant informs that no information has been supplied to him since 25.10.2017, the date of submission of his RTI application. Today again, none is present on behalf of the respondent PIO-cum-Tehsildar(West) Ludhiana despite the directions issued to him by DRO-cum-PIO, office of Deputy Commissioner, Ludhiana vide letter No. 2306/PIO/RTI, dated 25.07.2018 and letter No. 2640/PIO/RTI, dated 05.09.2018. Therefore, Tehsildar(West) Ludhiana is impleaded as a necessary party in this case and he is directed to supply the requisite information to the appellant before the next date of hearing. Besides, District Revenue Officer, Ludhiana and Tehsildar(West) Ludhiana are directed to explain the position of the case, in person, in respect of non supply of information and submit status report, on the next date of hearing.

4. To come up on **17.10.2018 at 11.30 A.M. for further proceedings.**

 **Sd/-**

**Dates: 13.09.2018 (S.S. Channy)**

 **State Information Commissioner**

 **Punjab**

CC: Smt. Savita, REGISTERED

 District Revenue Officer, Ludhiana.

 Shri Ajit Pal Singh, REGISTERED

 Tehsildar (West),

Mini Secretariat, Ludhiana.

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Shri Kartar Singh,

#515, Agarsen Colony,

Sirsa (Haryana) -----------Appellant

 **Vs**

Public Information Officer

o/o the Director General of Police, Punjab,

Chandigarh.

First Appellate Authority

o/o the Director General of Police, Punjab,

Chandigarh. -------------Respondent

 **Appeal Case No. 1364 of 2018**

Present: Shri Kartar Singh, Complainant, in person.

Smt. Lakhwinder Kaur, Superintendent and Shri Parshotam Kumar, Head Constable, on behalf of the respondent.

**ORDER**

 In this case, Shri Kartar Singh, Appellant, , vide his RTI application dated 27.03.2018, addressed to the PIO, sought certain information regarding non-action on complaints against illegal arrests and raids by Punjab Police at Kesupura, Police Station Ellenabad with reference to FIR No. 394, dated 14.08.2017, Police Station Civil Lines, Amritsar.

2. The case was last heard on 17.06.2018, when the representative of the respondents submitted that the sought information was vague and voluminous. Consequently, after going through the sought information and hearing both the parties,

Contd……..p/2

**AC - 1364 of 2018 -2-**

it was found that the information, asked for by the appellant, was not vague and accordingly, the respondent PIO was directed to send point-wise reply to the appellant, with a copy to the Commission. The case was adjourned to 08.08.2018, which was further postponed for today due to certain administrative reasons.

3. Today, the representatives of the respondents informs that the original complaint, regarding which information has been sought, is not available in their office. Accordingly, the appellant is directed to send a copy of the original complaint to the PIO and the PIO is directed to furnish Action Taken Report to the appellant.

4. With these directions, the case is **disposed of and closed.**

  **Sd/-**

**Dates: 13.09.2018 (S.S. Channy)**

 **State Information Commissioner**

 **Punjab**

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Shri Jai Pal Singh

c/o Shri Nihala Ram, r/o Plot No.22,

Gali No.2, Inder Vihar Colony,

Near Balaji Mandir, Noorwali Road,

Ludhiana. ---------Appellant

  **Vs.**

Public Information Officer-cum-

Incharge Suvidha Kendra,

C/o Additional Deputy Commissioner(D),

Ludhiana.

First Appellate Authority,

O/o Additional Deputy Commissioner(D),

Ludhiana.

Public Information Officer,

O/o Sub Divisional Magistrate(East),

Ludhiana. -------Respondents

**Appeal Case No. 430 of 2018**

Present: None on behalf of the appellant as well as the respondents.

**ORDER**

 The case was last heard on 09.07.2018 when none was present on behalf of the appellant as well as the respondents. However, a letter No. 1653, dated 11.06.2018 was received from ADC(Development), Ludhiana vide which SDM(East) Ludhiana had been directed to supply the requisite information to the appellant and pursue the case in the Commission. Besides, a letter dated 03.06.2018 was received from the appellant vide which he had furnished deficiencies in the provided information,

Contd……p/2

**AC - 430 of 2018 -2-**

with a copy to SDM(East) Ludhiana. Accordingly, PIO of the office of SDM(East) Ludhiana was impleaded as a necessary party in this case and he was directed to supply complete information to the appellant after removing the deficiencies pointed out by him, before the next date of hearing. The case was adjourned to 08.08.2018, which was further postponed for today due to certain administrative reasons.

2. Today, none is present on behalf of the respondents. However, a letter No. 90/Reader, dated 11.09.2018 has been received from SDM-cum-First Appellate Authority, Ludhiana East vide which a copy of provided information has been sent stating that the requisite information has been provided to the appellant by hand vide letter No. 89/Reader, dated 11.09.2018.

3. The appellant is not present without any intimation nor any observations, on the provided information, have been received from him, which shows that he is satisfied with the provided information.

4. Accordingly, the case is **disposed of and closed.**

 **Sd/-**

**Dates: 13-09-2018 (S. S. Channy)**

 **Chief Information Commissioner**

 **Punjab**

**PUNJAB STATE INFORMATION COMMISSION**

 **Red Cross Bhawan, Near Rose Garden, Madhya Marg,**

**Sector: 16, Chandigarh.**

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Shri Parbind Sharma, Advocate,

Chamber No.7019, 7th Floor,

Lawyers Chamber Complex,

Part-II, District Courts, Ludhiana. --------------Appellant

 **Vs.**

Public Information Officer

O/o Police Commissioner,

Ludhiana.

First Appellate Authority,

O/o Police Commissioner,

Ludhiana. -------Respondents

**Appeal Case No. 461 of 2018**

Present: None on behalf of the appellant.

 Shri Ramesh Kumar, ASI, on behalf of the respondents.

**ORDER**

 Shri Parbind Sharma, Appellant, vide an RTI application dated 30.10.2017 , addressed to PIO, sought Action Taken Report in Case No. 326, dated 02.09.1989 registered at Police Station Division No. 6, Ludhiana under Section 306.

2. The case was last heard on 09.07.2018, when the appellant informed that an order dated 17.10.2012 was passed by State Human Rights Commission which was sent to the Police Authorities for appropriate action. The representative of the respondent informed that the record in question had been destroyed as per the Government instructions with the approval of the competent authority. To satisfy the appellant, the concerned authorities were directed to give in writing that the said record

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has been destroyed with the orders of the competent authority as per the government instructions. The appellant further stated that he wanted to know as to what action had been taken on the orders of Hon’ble Punjab and Haryana High Court passed in CWP No. 41284 of 2015. Accordingly, the PIO was directed to submit reply in this regard, before the next date of hearing. The case was adjourned to 08.08.2018, which was further postponed for today due to certain administrative reasons.

3. Today, the representative of the respondents submits a copy of letter No. 172-D/RTI, dated 03.08.2018 from PIO-cum-DCP, Commissionerate, Ludhiana vide which reply, as per the orders of the Commission, has been sent to the appellant stating that the record of Case No. H.R.C. 15580/10/2009 has been destroyed and C.R.M. No. 41284/2015 has not been received in the Litigation Branch.

4. Since the orders of the Commission have been complied with, the case is **disposed of and closed.**

 **Sd/-**

**Dated : 13.09.2018 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**

**PUNJAB STATE INFORMATION COMMISSION**

 **Red Cross Bhawan, Near Rose Garden, Madhya Marg,**

**Sector: 16, Chandigarh.**

 **Tel. No.0172-2864100-01, Fax No.0172-2864110**

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Shri Jasbir Singh,

Village Bholapur, Jhabewal,

Post Office Ramgarh, District Ludhiana. -------------Appellant

 **Vs.**

Public Information Officer

o/o Sub Registrar (Central),

Gill Road, Ludhiana.

First Appellate Authority,

O/o Deputy Commissioner, Ludhiana. -------Respondents

**Appeal Case No. 484 of 2018**

Present: None on behalf of the appellant as well as the respondents.

**ORDER**

 The case was last heard on 09.07.2018, when none was present on behalf of the appellant as well as the respondents. Accordingly, one last opportunity was afforded to the PIO to supply complete information to the appellant after removing the deficiencies pointed out by him, failing which punitive action, under the provisions of RTI Act, 2005 would be initiated against him. The case was adjourned to 08.08.2018, which was further postponed for today due to certain administrative reasons.

2. Today again, none is present on behalf of the appellant as well as the respondents. However, a letter dated 12.09.2018 has been received from the appellant informing that the requisite information has been supplied to him. He has requested to close the case.

3. Accordingly, the case is **disposed of and closed.**

 **Sd/-**

**Dated : 13.09.2018 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**

**PUNJAB STATE INFORMATION COMMISSION**

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Shri Iqbal Singh Rasulpur,

General Secretary,

University human Rights Org. ,

VPO Rasulpur, Tehsil Jagraon,

District Ludhiana-142035 --------Complainant

 **Vs.**

Public Information Officer

 O/o Additional Director General of Police, Punjab,

Chandigarh.

First Appellate Authority

O/o Additional Director General of Police, Punjab,

Chandigarh. -----Respondents

**Complaint Case No. 19 of 2017**

Present:- Shri S. P. Singh, Advocate, on behalf of the complainant.

Shri Raminder Singh, S.P. (IVC) and Shri Gurvinder Singh Bhatti, Legal Advisor, on behalf of the respondents.

**ORDER**

 In this case during hearing on 21.03.2018, the representative of the respondents informed that the requisite documents had already been supplied to the appellant. The appellant submitted that the intelligence report alongwith annexures and corresponding papers, which he had already inspected and identified, had not been provided as yet. Consequently, after hearing both the parties and discussing the matter, it was directed that original file be brought on the next date of hearing to facilitate the Commission to arrive at a logical conclusion. The case was adjourned to 26.04.2018, which was further postponed to 09.07.2018 due to certain administrative reasons.

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2. On 09.07.2018, Shri Balraj Singh Sidhu, AIG (IVC), appearing on behalf of the respondent-PIO, brought the original file for the perusal of the Commission. Consequently, after perusing the file and hearing both the parties vis-à-vis discussing the matter at length, the respondent was directed to submit a written report as to what action had been taken on the intelligence report, on the next date of hearing. The case was adjourned to 08.08.2018, which was further postponed for today due to certain administrative reasons.

3. Today, the Ld. Counsel for the Complainant submits that the complainant wants a copy of an Inquiry Report, which is available in the record of Intelligence Wing. Shri Gurvinder Singh Bhatti, Legal Advisor, informs that Inquiry Report was received from the Intelligence Wing in the IVC Branch and was later sent back to them. Accordingly, the PIO of the Intelligence Wing is directed to bring the original file on the next date of hearing for the perusal of the Commission. He is also directed to intimate as to whether the said Inquiry Report is available in their record and whether it can be shared with the appellant or not and in case it cannot be shared with the appellant then the reasons for the same be submitted.

4. To come up on **17.10.2018 at 11.30 A.M. for further proceedings.**

 **Sd/-**

**Dated : 13.09.2018 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**

**PUNJAB STATE INFORMATION COMMISSION**

 **Red Cross Bhawan, Near Rose Garden, Madhya Marg,**

**Sector: 16, Chandigarh.**

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Shri Navdeep Gupta,

Kothi No.455, Gillco Valley,

Kharar, District SAS Nagar-140301. --------Complainant

 **Vs.**

Public Information Officer

o/o Deputy Commissioner of Police, Amritsar.

Public Information Officer,

O/o Additional Chief Secretary to Govt., Punjab,

Department of Home Affairs and Justice(Home-4 Branch),

Punjab Civil Secretariat-1, Chandigarh.

Public Information Officer,

O/o Director General of Police, Punjab,

Sector:9, Chandigarh. -------Respondents

**Complaint Case No. 961 of 2017**

Present:- None on behalf of the complainant.

Shri Rashni Kumar, Superintendent, Home-4 Branch; Smt. Lakhwinder Kaur, Superintendent and Shri Hira Singh, ASI, on behalf of the respondents.

**ORDER**

 In this case, during hearing on 08.02.2018, keeping in view the facts that no information is available with the PIO/Commissioner of Police, Amritsar it was considered appropriate that ends of justice would be met if reply from the Additional Chief Secretary to Government of Punjab, Departments of Home Affairs and Justice, Punjab Civil Secretariat, Chandigarh, Director General of Police, Punjab, Chandigarh and the Deputy Commissioner, Amritsar be obtained on the RTI application of the

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**CC - 961 of 2017 -2-**

complainant. Accordingly, they were directed to send their reply before the next date of hearing. The case was adjourned to 21.03.2018.

2. On 21.03.2018, reply was received from Deputy Commissioner Police-cum-PIO, Amritsar City vide letter No. 1465/CPC, dated 20.03.2018 vide which it has been informed that since Operation Blue Star was carried out by the Army on the orders of the Central Government, no record is available with them. Besides, a Memo. No. 1241-1242/RTI-2, dated 16.03.2018, addressed to Additional Chief Secretary to Government of Punjab, Department of Home Affairs & Justice, (Home-4 Branch), Chandigarh, with a copy endorsed to the Commission, was received from Director General of Police/Admn., Punjab Police Hqrs., Sector:9, Chandigarh vide which it has been proposed to Additional Chief Secretary to Government of Punjab, Department of Home Affairs & Justice that since the information required by the applicant is not available in the record of Commissioner of Police, Amritsar, a joint meeting of representatives from the office of Deputy Commissioner, Amritsar and Police Commissioner, Amritsar may be called so that requisite reply could be filed in the Punjab State Information Commission, Punjab. Accordingly, it was directed that an appropriate reply be filed with the Commission before the next date of hearing after holding the proposed meeting , if they so desire, so that requisite information could be supplied to the complainant without any further delay. The case was adjourned to 26.04.2018, which was further postponed to 09.07.2018 due to certain administrative

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reasons.

3. On 09.07.2018, the representative of the office of DGP, Punjab submitted a Memo. No. 2696/RTI-2, dated 06.07.2018 from Smt. Amneet Kondal, IPS, AIGP/Pers.-2, Punjab Chandigarh-cum-PIO, Admn. Wing vide which it has been inter-alia submitted as under:-

“ fJZe i[nkfJzN whfNzr fwsh 21^06^2018 Bz{ ;eZso, rqfj ih d/ dcso ewo/ fty/ oZyh rJh ;h, fi; ftu rqfj wkwb/ ns/ fBnK ftGkr d/ ;aqh e[wko okj[b, nkJhHJ/Hn?;H, ;?eNoh j'w, vkfJo?eNo iBob g[fb;$gzikp dcso tb' ;qhwsh nwBhs e"Avb, nkJhHghHn?;H, fvgNh efw;aBo$nzfws;o dcso tb' ;aqh oftzdo f;zx, n?;HvhHn?w pkpk pekbk ns/ efw;aBo g[fb;$nzfws;o dcso tb' ;aqh Bfozdo f;zx,l vhHn?;HghH, J/H;hHghH$nzfwqs;o ;akwb j'J/ ;B. fJ; whfNzr ftu T[go'es ;ko/ nc;oK tb' c?;bk fbnk frnk ;h fe efw;aBo g[fb;$nzfwqs;o, vkfJo??eNo iBob g[fb; $gzikp,uzvhrVQ ns/ fvgNh efw;aBo$nzfwqs;o d/ dcso ftu gqkoEh ;aqh Btdhg r[gsk tk;h n?;HJ/Hn/?; Bro tb' wzrh rJh ;{uBk Bkb ;pzXs e'Jh th foekov w"i{d BjhA j? ih.”

Shri Rashni Kumar, Superintendent-cum-PIO, Home -4 Branch submitted a Memo. No. 6/35/2018-2H4/3294, dated 09.07.2018 reiterating that the sought record is not available.

4. On hearing the respondents present in the Commission and after perusal of the letter dated 06.07.2018, whose contents have been reproduced above, it came

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out that the officers present in the meeting have taken a decision that the relevant record is not available with any of them. In case the record is not available in any of the offices, there is a need of submission of a simple certificate/letter that the record, in question, is not available. It does not require any decision especially in a meeting of the officers that such record is not available. To go by the spirit of Right to Information Law, it will be in the interest of handling and disposing of the case that a similar formal certificate, as issued by the local police authorities, saying that the record is not available with them, is issued by the office of Additional Chief Secretary Home and also by the office of DGP that the record, in question, is not available in their offices as a whole and not only saying that is not available in a particular Branch. The matter, in question, being very sensitive, such a certificate would suffice. Copies of those two letters were sent to the complainant for his perusal and observations, if any. The case was adjourned to 08.08.2018, which was further postponed for today due to certain administrative reasons.

5. Today, the representatives of the office of Director General of Police, Punjab, Chandigarh submit a Memo. No. 3362/RTI-2, dated 05.09.2018 from Shri Sukhwant Singh Gill, I.P.S., AIGP/Personnel-2, Punjab, Chandigarh-cum-PIO, Admn. Wing vide which it has been submitted as under:-

“ s;dhe ehsk iKdk j? fe ngo/;aB pfbT{ ;Nko Bkb ;pzXs e'Jh th foekov g[fb; ftGkr ftu T[pbpX BjhA j? ih.”

Contd……p/5

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The reply received from the office of Director General of Police, Punjab, Chandigarh does not speak about the availability of any record pertaining to this matter in the office of Home Department. Accordingly, Additional Chief Secretary to Government of Punjab, Home Department is directed to submit a certificate in the form of an affidavit **on behalf of the Home Department** in the Secretariat as to whether any document pertaining to the said matter is available in their Department as a whole or not. Consequently, the office of Director General of Police, Punjab , Chandigarh and other offices are exempted from further appearance in this case.

6. To come up on **17.10.2018 at 11.30 A.M. for further proceedings.**

 **Sd/-**

**Dated : 13.09.2018 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**